

OJC No.5069 of 1996  
4.5.2016

Heard Mr. Mishra, learned counsel for the petitioner and Mr. Bisoi, learned Standing Counsel for the School & Mass Education Department.

The grievance of the petitioner is that his father Samabandhu Mohanty was a teacher in a primary school. He retired from service on attaining the age of superannuation, i.e., at the age of 58 years. According to the learned counsel for the petitioner, the father of the petitioner was to continue till completion of 60 years. With this factual scenario, the writ petition has been filed for issuance of a direction to the opposite parties to pay arrear salary of two years of his father and other consequential retirement benefits.

Pursuant to issuance of notice, a counter affidavit has been filed by the opposite party no.4. It is stated that after the death of the father of the petitioner, the petitioner has filed this writ petition with a prayer to pay arrear salaries of two years to him and the legal representatives of the deceased Shyamabandhu Mohanty, to make necessary correction for payment of pension and other retirement benefits and to pay all arrear dues. It is further stated that pursuant to the order dated 1.3.1984 passed by this Court in OJC No.472 of 1981, the D.I of Schools made necessary revision in pension and other retirement dues of the father of the petitioner and the Accountant General, Odisha issued authority for disbursement of dues in favour of Shyamabandhu Mohanty. The father of the petitioner during his life time received all the pensionary as well as retiral dues pursuant to the order passed in OJC No.472 of 1981. It is further stated that as per the grievance of the father of the petitioner in OJC No.472 of 1981, the authorities have revised the pension and other pensionary dues and issued authority in favour of the petitioner.

In view of the fact that the retirement benefits have been paid, the cause of action does not survive.

The petition is dismissed.

..  
Dr.A.K.Rath,J